

**May 5, 2005**

**SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS**

**MINUTES**

**THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE EXECUTIVE COMMITTEE. AUDIO CASSETTE TAPE OF THE ACTUAL MEETING IS AVAILABLE FOR LISTENING IN SCAG'S OFFICE.**

The Executive Committee of the Southern California Association of Governments held its meeting at SCAG offices downtown Los Angeles. The meeting was called to order by Councilmember Young, Vice President. There was a quorum.

**Committee Members Present**

Mayor Pro Tem Ron Roberts	President
Councilmember Toni Young	1st Vice President
Supervisor Gary Ovitt	2 <sup>nd</sup> Vice President
Councilmember Lee Ann Garcia	Chair TCC
Councilmember Richard Dixon	Chair, Admin Committee
Councilmember Margaret Clark	Chair, EEC

**Committee Members Not Present**

Supervisor Yvonne Burke	2 <sup>nd</sup> Vice President
Councilmember Deborah Robertson	Chair, CEHD

**Others Present**

Councilmember Robin Lowe	RC Member
John Cline	C2 Group
Tom Crawford	C2 Group
Paul Bauer	SCAG State Lobbyist

**Staff Present**

Mark Pisano, Executive Director  
Jim Gosnell, Deputy Executive Director  
Heather Copp, Chief Financial Officer  
Colin Lennard, General Counsel  
Karen Tachiki, Chief Counsel  
Hasan Ikhrata, Director, Planning & Policy  
Shelia Stewart, Executive Assistant  
Judy Owens, Sr. Administrative Assistant

**1.0 CALL TO ORDER**

**Vice President Young**

**2.0 PUBLIC COMMENT PERIOD**

There were no comments presented at this time.

**3.0 DISCUSSION/ACTION ITEMS**

**3.1 Approval Items**

**3.1.1 Approval of April 7, 2005 Minutes**

It was MOVED (Young), SECONDED (Garcia) and UNANIMOUSLY APPROVED.

**3.1.2 Goods Movement Plan for Action Update**

Hasan Ikhrata, Director, Planning & Policy, stated that a CEO meeting was held on April 22<sup>nd</sup> where an early action program was finalized for Goods Movement for \$3.5 billion. The CEOs will meet again on May 10<sup>th</sup> for a Goods Movement Stakeholders meeting. Plans for the May 10<sup>th</sup> meeting was also finalized at the April meeting.

**3.1.3 Report on State Legislation**

Paul Bauer presented legislative efforts taking place in Sacramento. He briefed the Executive Committee on anticipated actions of the Governor as well as other issues regarding Goods Movement.

Mr. Bauer previously reported once again that the Governor proposed to suspend Prop 42 dollars. The Governor proposes to pay back the funds over 15 years. The Legislature is continuing examining ways to pay from Prop 42. SCAG is in support of those efforts as well as any solutions that keeps funds flowing to Southern California.

**3.1.4 Report on April 28 meeting with Tribal Governments**

A Tribal Government Summit was held on April 28 with SCAG and RC members at the Agua Caliente Spa Resort in Palm Springs. The focus of the meeting was the formal adoption of a resolution by each Tribal Government to continue working with SCAG to create a more formal relationship. One resolution was presented to SCAG and other Tribal Governments indicated that they would be forwarding a resolution or letter to SCAG.

The discussion on moving the process forward focused on the development of a work plan and a schedule leading to adoption of agreement language by SCAG and the Tribal Governments. SCAG's Tribal Liaison to the Tribal Government has started convening monthly meetings with Tribal Government staff to address the details of the work plan and agreements.

### 3.1.5 Federal Lobbyist Report

John Crawford, C2 Group, gave a report on major legislative efforts taking place on the Hill. Mr. Crawford stated that Congress will likely pass extension legislation for authorization of the TEA-21 programs before the current extension expires on May 31. The reauthorization process, which was supposed to have been completed by October 1, 2003, has become captive to two interrelated issues, money and how that money will be distributed among the states.

In the House, the Transportation Equity Act: A Legacy for Users (TEA-LU)(H.R. 3) closely follows the provisions of legislation that the House passed in the 108th Congress (H.R. 3550). As introduced, the bill provides \$284 billion in spending for the period FY2004 - FY2009 (with FY2004 already complete, this bill in reality provides five years worth of funding at about \$241 billion). This is the same amount that was discussed during the uncompleted conference committee proceedings in the 108th Congress. It is also the same amount that the Bush Administration has identified as an acceptable level of funding in its FY2006 budget submission.

The Senate's bill, however, is a five year bill, dispensing with the already completed FY 2004 period. The highway title of the bill as reported by the Senate Committee on Environment and Public Works has an obligation level of almost \$192 billion for the five years FY2005 - FY2009. This is very similar to the level in the House bill. The Senate bill differs, however, in that it provides \$190 billion in contract authority (CA) for the period. There are several key issues in the Bills that will have a significant impact on California and SCAG. First, neither bill in current form significantly alters infrastructure financing programs, although interest in the innovative financing proposals advanced by SCAG is beginning to take hold. First the US DOT in a report issued last year, embraced many of these concepts and has since called upon Congress to add provisions that allow for the creative concepts contained in the SCAG Consensus document. Second, several key Members of Congress have acknowledged publicly that there are insufficient public monies to meet the demands for transportation infrastructure and that other financing techniques will likely be required.

Other issues of importance to SCAG include the likelihood that CMAQ funding will be reduced for California as the introduction of PM 2.5 and the new 8 hour standard open up the program to a larger cross section of urbanized areas. Additionally, Maglev provisions will be finalized in the Conference, with strong pressure from the Nevada project for development and construction funds.

Finally, several other issues will also be finalized in Conference, namely the Consolidated Planning Grants language that we were successful in getting into the House version of the bill and the Planning Takedown percentage which will have to be resolved between House and Senate versions calling for the status quo and an increase from 1 percent to 1 ½ percent.

#### 3.1.5 Report on April 28<sup>th</sup> meeting with Tribal Governments

President Roberts stated that the meeting held on April 28 was very successful. He noted that representatives from some of the Tribal Governments came to the General Assembly and presented SCAG with resolutions. He felt that this was a good start in coming to together.

It was also noted that a Tribal Governments Task Force would be formulated. Councilmember Dixon recommended that President Roberts be the chair of this task force because of ongoing relationships and with the Tribal Governments. The Executive Committee concurred.

### **4.0 EXECUTIVE DIRECTOR'S REPORT**

Mark Pisano stated that in collaboration with the CTCs and other stakeholders, SCAG has identified a group of rail and highway projects totaling approximately \$3.5 billion to focus on in creating a template for moving these projects forward. Staff has further developed a set of performance measures designed to support analysis of private- and public-sector project value, along with environmental mitigation and financing strategies. These performance measures will be discussed May 10th at the next Stakeholder Roundtable meeting on goods movement. The State released its draft Goods Movement Action Plan on March 18th and SCAG submitted staff comments.

Mr. Pisano also reported on TEA-21 Reauthorization. The US Senate is scheduled to begin floor debate on SAFETEA, its reauthorization bill, in the last week of April, although some Capitol Hill observers believe final action may be delayed until mid-May. The current extension of TEA-21 expires on May 31<sup>st</sup>.

## **5.0 LEGAL COUNSEL REPORT**

### **5.1 Closed Session**

- Deanna Wetherbee-Distel et al. vs. Miguel Leon Martin et al.; Southern California Association of Governments; Riverside Transit Agency; Western Municipal Water District- Claim for Injuries/Wrongful Death Claim; Case Number: RIC 417340

Conference with Legal Counsel re: pending litigation, pursuant to Cal. Gov. Code Section 54956.9

No closed session was held on this matter.

- Morrison v. SCAG  
Morrison v. Southern California Association of Governments et al. Superior Court, Los Angeles County, Case No. BC 312066  
Conference with Legal Counsel Government Code section 54956.9(a)

A report was provided by Counsel and a recommendation forwarded to the Regional Council.

- Havens v. SCAG  
Havens v. Southern California Association of Governments, Los Angeles County, Case No. BC 324931  
Conference with Legal Counsel re: pending litigation  
Pursuant to Government Code section 54956.9(a)

No closed session was held on this matter.

## **5.0 ADJOURNMENT**

The next meeting is scheduled for June 2, 2005 at the Pierpont Inn and Racquet Club.

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Mark Pisano, Executive Director